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LOUISIANA ETHICS ADMINISTRATION PROGRAM

P.O. Box 4368

Baton Rouge , Louisiana 70821

Re: Ethics Advisory Opinion – Appointment of a family member of City Councilman to a Volunteer (unpaid) Position

Hello,

Please accept this request and respond, as our city has a demonstrable and objective interest in the opinion requested because it is a Lawrason Act municipality that does not have a home rule charter and is in need of highly qualified and willing unpaid volunteers to fill a number of seats on committees, boards, and roles, throughout our city government.

Specifically, there are Council Members (the City has a Board of Aldermen government) who have Family Members, including sons, daughters, and/or siblings, who are willing to volunteer on various committees without pay. This matter takes on major significance because of the sparsity of qualified citizens expressing an interest in serving.

The population of the city is approximately 9,200.

To be clear, the positions contemplated include the following and similar:

- 1) Committee on Economic Development
- 2) Civil Service Board;
- 3) Fire Department Advisory Board;
- 4) Planning and Zoning Board;
- 5) Appeals and Variances Board; and
- 6) Magistrate Court Judge (currently paid by ordinance but would be filled on an unpaid volunteer position if filled by Family Members).

Of note, the above positions and similar are selected by the Mayor and approved by the City Council and report either to the Mayor or other agency head and not to the Council.

Also, none of the positions would draw a salary if filled by a Family Member. Specifically, each Family Member if appointed would work "for free" regardless of costs and will bear their own costs for any meetings, required training supplies...etc.

We are familiar with the language of Title 42 §1113. Prohibited contractual arrangements; exceptions; reports.

- A. (1)(a) No public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

As stated above, each of the above identified boards, committees and/or positions, would require "approval" by the Board of Alderman, but would not be under the supervision of the Board of Aldermen

and under no circumstances enjoys any employment with or by the City. Further, because there is no salary, gratuity, or other remuneration paid to the volunteers under any contracts or other means, we believe there is no Transaction because a "Transaction" is defined as "an occasion when someone buys or sells something, or when money is exchanged or the activity of buying or selling something (Cambridge Dictionary, 2020). However, in an abundance of caution, we ask for clarity from your board.

Question 1: Does appointment of a Family Member of an Alderman/Councilman to one of the above boards/position as a volunteer on a fully unpaid and uncompensated basis create an ethics violation under Title 42§1113?

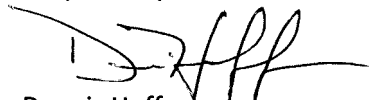
We are familiar with the language of Title 42§1119 stating no member of an immediate family head can be employed in his agency. We believe, under the same facts that the Family Member would be an unpaid and uncompensated volunteer, the Family Member may be appointed and serve in the above described positions.

Question 2: Does appointment of a Family Member of an Alderman/Councilman to one of the above boards/position as a volunteer on a fully unpaid and uncompensated basis create an ethics violation under Title 42 §1119?

Question 3: Does appointment of a Family Member of an Alderman/Councilman to one of the above boards/position as a volunteer on a fully unpaid and uncompensated basis create an ethics violation under any other provisions of State law?

Thank you,

Respectfully,

A handwritten signature in black ink, appearing to read "D Hoffman", with a long horizontal flourish extending to the right.

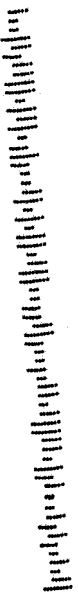
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